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09/123,620	07/28/98	ELFORD	H HEBVR-5

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HM32/1204

EXAMINER	
FONDA, K	
ART UNIT	PAPER NUMBER
1623	20

DATE MAILED: 12/04/00

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

See attached sheets.

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Appellant is advised that the after final amendment of 09-19-00 will be entered for purposes of appeal. All remaining rejections under 35 U.S.C. § 112, second paragraph, are withdrawn in view of the amendment.

Newly added claim 14, which is a replacement for claim 1 and differs from claim 1 only as to formal matters, is rejected as set forth in the Office action of 05-25-99 with regard to then-pending claims 1-11, under 35 U.S.C. 103(a) as being unpatentable over VAN'T RIET *et al.* (A) in view of Applicant's admission.

Thus the status of the claims is as follows: Claim 1 has been canceled. Claims 2-11 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over VAN'T RIET *et al.* (A) in view of Applicant's admission. Claims 12 and 13 were not entered.

In view of the amendment of 09-19-00, the brief is defective. The brief does not comply with the requirements of 37 CFR 1.192(c) because it does not contain a copy of the claims involved in the appeal in the Appendix. Appellant should submit a new brief which includes a copy of the claims as they now stand. Appellant should also amend the brief to reflect

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withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Papers relating to this application may be submitted to Technology Center 1600 by facsimile transmission. The number of the fax machine for official papers in Technology Center 1600 is (703) 308-4556. Any document submitted by facsimile transmission will be considered an official communication unless the cover sheet clearly indicates that it is an informal communication.

INTERNET INFORMATION: Secure and confidential access to patent application status information is now available; see <http://pto-ebc.uspto.gov> for more information. Also, <http://www.uspto.gov/web/offices/ac/comp/fin/clonedefault.htm> may be used to pay patent maintenance fees, pay non-filing application fees, and maintain USPTO deposit accounts.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kathleen Kahler Fonda, at telephone number (703) 308-1620. Examiner Fonda can generally be reached on Tuesday and Thursday mornings, and Friday afternoons. If the Examiner cannot be reached, questions may be addressed to Supervisory Patent Examiner Gary Geist at (703) 308-1701. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-1235.



Kathleen Kahler Fonda, Ph.D.
Primary Examiner
Art Unit 1623